

## REMARKS

### 1. *Status of claims*

After entry of the above amendment, claims 9-12 are pending.

### 2. *Claim objections*

The Examiner objected to claims 10-12 for reciting "A copolymer according to claim 9 having..." on the grounds that this expression was informal relative to an alternative such as "A composition according to claim 9 comprising an ethylene/higher mono-1-olefin copolymer having..." Applicants present the above amendment of claims 10-12 to correct this informality, and submit that by doing so they have removed the basis for the objection.

### 3. *Claim rejections under 35 U.S.C. §102/103*

The Examiner rejected claims 9-12 under 35 U.S.C. §102(b) or §103(a) as being respectively anticipated by or obvious over Norwood *et al.*, U.S. Pat. No. 4,312,967 ("Norwood"). Specifically, the Examiner alleged Norwood taught an ethylene/1-hexene copolymer (Run 14, Table I) having a density and high load melt index within the ranges recited by the present claims 9-12, wherein the copolymer was prepared by a process and using a catalyst similar to those taught by the present specification. The Examiner thereby concluded that Norwood taught polymers implicitly having critical shear rate values for the onset of melt fracture within the ranges recited by the present claims 9-12, and put the burden of proof on Applicants to show otherwise. Applicants will here do so, traversing the rejection by showing

that Norwood did not teach or suggest polymers having critical shear rate values within the ranges of the present claims.

First, the product of Norwood's Run 14 would not have a critical shear rate value of greater than about  $1200 \text{ sec}^{-1}$ . The catalyst used in Run 14 was activated at  $677^\circ\text{C}$ . The present specification teaches catalyst activation at about  $455^\circ\text{C}$ - $565^\circ\text{C}$  (paragraph bridging pp. 8-9). It also teaches lower catalyst activation temperatures delay the onset of worms, i.e., increase the critical shear rate values of polymers produced using those catalysts (p. 21, lines 18-20). Because Norwood's Run 14 catalyst was activated at a higher temperature, it would be expected the Run 14 product had a lower critical shear rate than that recited by claim 9. As a result, Norwood does not teach a copolymer featuring every recited element of the present claims, and cannot anticipate claims 9-12. Applicants therefore request the rejection under 35 U.S.C. §102 be withdrawn.

Second, although Norwood refers to catalyst activation at temperatures as low as  $400^\circ\text{C}$ , Norwood did not recognize that low catalyst activation temperatures can raise critical shear rate values. Also, Norwood did not recognize that high critical shear rate values can delay the onset of worms and allow faster processing speeds. By missing these observations, Norwood does not guide the skilled artisan to prepare copolymers with high critical shear rate values, and thus does not suggest the subject matter of claims 9-12. Applicants therefore request the rejection under 35 U.S.C. §103 be withdrawn.

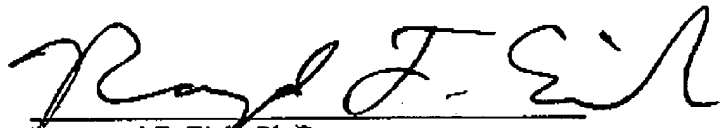
4. *Final remarks*

In conclusion, Applicants submit all pending claims 9-12 are in condition for allowance. The Examiner is invited to contact the undersigned patent agent at (713) 934-4065 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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